

## REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested. Upon entry of this Amendment, claims 5-7, 16, and 20-38 will be pending in the present application. Claims 1-4, 8-15, and 17-19 have been cancelled. Claims 34, and 35 were stand withdrawn.

Claim 12 was rejected under 35 U.S.C. § 112 due to depending from claim 10. Claim 12 has been cancelled. Reconsideration of this rejection is requested.

Claims 5-7 and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dooley in view of Lytle and Ragland.

Dooley discloses a beverage can cartridge storage device that may be inserted into a modified cooler. The cooler includes a sloped section which is sloped from the back of the cooler towards the front. Cans are then inserted into the cartridge such that they may roll down the sloped section. To keep the cans cool, ice may be packed around the cartridge storage device.

Dooley, however, does not teach or in any way suggest the present invention. Dooley discloses a modified cooler which may be packed with ice about a central can cartridge. Dooley does not teach or suggest a device that is capable of maintaining two compartments at separate temperatures. Dooley teaches away from the present invention. Dooley suggests a device with a beverage can cartridge which may be covered with ice. It would be counter productive to try to heat one end of the beverage container and cool the other end of the container. To further clarify this distinction, claims 5 and 24 have been amended to recite that the insulating container includes a lid adjacent the container body and that the insulating layer includes an elongate partition proximate the lid. Even if the Examiner construes the sloped

section to be an elongate partition this structure is neither proximate the lid 48 nor capable of thermally isolating the two compartments. Lytle and Ragland do not supplement the deficiencies highlighted above with respect to Dooley. Reconsideration of this rejection is requested.

Claims 11, 12, 16, 21-23, 30 and 33 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dooley in view of Gale.

Claims 11 and 12 have been cancelled. With respect to claims 16, 21-23, and 30 the examiner concluded that three horizontal cross-sections taken at three different heights of the bottom cup portion of Gale would lead to three cylindrical portions having three different diameters. In response, the applicant contends that regardless of where the cross-sections are taken at the same diameters would result rather than the different diameters disclosed and claimed in the present invention. Side walls 92 and cylindrical recesses 97 appear to be cylindrical. Therefore, regardless of where the cross-section is taken the same diameter would result. Reconsideration of claims 16, 21-23, 30, as well as dependent claim 33 is requested.

Claims 25-29 stand rejected under 35 U.S.C. 103 as being unpatentable over Dooley in view of Lytle and Ragland as applied to claim 24 and further in view of Gale. The applicant contends that claims 25 -29 are allowable for the same reasons that claim 24 is deemed allowable as highlighted above. In addition, the applicant contends that claims 25-29 are additionally allowable in view of the remarks made regarding claim 16.

Claims 31 and 32 stand rejected under 35 U.S.C. 103 in over Dooley in view of Gale. Since these claims depend from claim 30, the applicant contends that they are allowable for the same reasons as set forth above with respect to claim 30.

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This response is being filed within the extended three-month statutory response period which expires on May 16, 2008. The enclosed check includes the fees for the present request for continued examination as well as the extension fee.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

By 

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